HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 2173 of 2021

10 March, 2026

Neeraj Kumar Singh --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 2175 of 2021

Arunesh Kumar Singh --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 2680 of 2021

Sri Lakshmi Narayan Saxena --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 2681 of 2021

Geeta Papnoi --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 2682 of 2021

Shalini Tripathi --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 2683 of 2021

Rajeev Gambhir --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 2684 of 2021

Nandan Singh --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 2685 of 2021

Babu Singh --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 2686 of 2021

Sunita Verma --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 2687 of 2021

Kamla Bhatt --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 2688 of 2021

Reena --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 2689 of 2021

Nisar Ahmad --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 2690 of 2021

Reeta --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 2691 of 2021

Rajendra Kaur --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 2692 of 2021

Rakesh Kumar --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 2756 of 2021

Balvinder Kaur & Ors. --Petitioners

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 3255 of 2021

Rashmi Upadhyay --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 3419 of 2021

Gopal Ram Arya --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

With

Writ Petition Misc. Single No. 3428 of 2022

Amarjeet Singh & Anr. --Petitioners

Versus

State Of Uttarakhand & Ors.

--Respondents

And

Writ Petition Misc. Single No. 3456 of 2022

Rajkumar Miglani --Petitioner

Versus

State Of Uttarakhand & Ors.

--Respondents

Presence:-
Mr. Jitendra Chaudhary, learned counsel with Mr. Chetan Joshi, learned counsel and Mr. Yogesh Kumar Sharma, learned counsel for the petitioners.
Mr. K.S. Mehta, learned Addl. C.S.C. with Mr. Sudhir Nailwal, learned Standing Counsel for the State.
Mr. Piyush Garg, learned counsel for the respondent in WPMS No. 3255 of 2022.

(Rakesh Thapliyal, J.)

1. All these bunch of petitions involving similar legal questions and facts are being heard together with the consent of all and for convenience, the facts of writ petition i.e. WPMS No. 2173 of 2021 is being treated to be a leading one.

So far as writ petition WPMS No. 3255 of 2022, Mr. Piyush Garg, learned counsel for the respondent submits that M/s Allied Infra and others-respondent no. 4 as on date is not being represented through its Director Shri Sudhir Chawla, since, there is a dispute with the company which is pending before the NCLT, Allahabad Bench. In such view of the matter, the respondent no. 4 is deleted from the array of the parties

2. Brief facts, of the case, are that in Village Rudrapur District Udham Singh Nagar the land falling in Khasra Nos. 66M, 66, 69, 70, 110-M and 71-M in Khata No. 4 were recorded in the name of one Sri Harnam Singh, S/o Late Sri Balwant Singh under Varg 10 (ka) in the revenue records prior to 1375 Fasli and the said

entry continues in the revenue record till 1383 Fasli. It is contended in the petition that on 10.12.1971, Sri Harnam Singh executed the sale deed of the aforesaid land recorded in his name in revenue record as varg 10(ka) in favour of Kartar Chand, Smt. Man Kaur, Gurmej Singh, Jagir Singh, Jaswant Singh , Smt. Balvinder Kaur, Kishan Lal, Omkar Sehgal, Swarn Sigh, Darshan Singh, Sri Nivas after getting full sale consideration and handed over the physical possession. Smt. Balvinder Kaur who is respondent no. 3 herein came into physical possession of plot no. 70-M measuring 0.4010 hectare of Khata Khatauni no. 04 (new no. 01975). It is further contended that since the land sold by Late Harnam Singh was recorded as Varg 10(ka) category, therefore, no bhumidhari rights were accrued in favour of Smt. Balvinder Kaur, the subsequent purchaser, but later on the said entry of varg 10(ka) was converted into “varg -4” in accordance with the provisions of UPZA & LR Act and U.P Land Records Manual.

3. After creation of the State of Uttarakhand, Smt. Balvinder Kaur continues in physical possession over the land and ultimately in the year of 2015 pursuant to the policy of the State, the possession over the land recorded in Varg-4 were regularized and Smt. Balvinder Kaur got bhumidhari with transferable rights under the category 1 (ka). The respective khataunies were also placed on record as annexure-4. Thereafter Smt. Balvinder Kaur subsequently sold the land to different persons by virtue of various registered sale deeds.

4. The petitioners herein are the subsequent purchasers over the land in question. In September 2021 all these petitioners came to know about the proceeding of Civil Misc. Case No. 51/01 of 2017-18, State Vs. Smt. Balvinder Kaur and others under the Government Grants Act pending before the Collector/ District Magistrate, U.S. Nagar and learnt that pursuant to the order dated 23.01.2021, the lease deed dated 05.11.2025 by which Smt. Balvinder Kaur was given bhumidhari rights over the land in question falling in Khasra No. 70-M is cancelled. Since, petitioners were seriously prejudiced they approach this Court for assailing the order dated 23.01.2021.

5. It is argued by the learned counsel for the petitioners that the petitioners of these bunch of petitions are bona-fide purchasers and they were not party to the proceedings, and, as such, the order impugned is ex-parte against them.

6. A specific averment has been made in the petition that entire proceeding is ex-parte against them, however, there is no denial in the counter affidavit.

Learned Standing Counsel for the State submits that in fact the order impugned was passed by the Collector pursuant to the judgment passed by the Coordinate Bench dated 20.12.2017 in bunch of petitions and the leading one was WPMS No. 2295 of 2016, Balvinder Kaur vs. State of Uttarakhand and others whereby the matter was remitted back to the Collector to decide the issue afresh and the parties were also directed to maintain status quo in relation to

the property in question.

7. It is argued by the learned Standing Counsel that in fact proceedings were initiated much earlier and the lease was cancelled by the Collector on 12.07.2016 which was assailed by various persons before this Court and pursuant to order passed by this Court dated 20.12.2017 matter was remanded and subsequent thereto, the order impugned was passed by the Collector. He argued that at the relevant point of time on or after remand these petitioners never approached to the Collector, though, they were fully aware about the proceeding and now when the Collector passed the order impugned, after remand assailing the order which is wholly unwarranted, since, the order impugned has been passed in the light of earlier order of this Court.

8. In reference to the arguments as advanced by the learned counsel for the petitioners that no such notice and opportunity were given to the present petitioners, the Standing Counsel fairly submits that admittedly the present petitioners of these bunch of petitions were not the party before the Collector in the proceeding which was decided by the order impugned and, therefore, the order impugned appears to be an ex-parte against the petitioners.

9. Admittedly, there is no dispute that all these petitioners are the bona fide purchasers and they got possession over the land in question pursuant to the registered sale deeds and it is specifically pleaded in the petition that they are still in possession then in

such an eventuality if all these petitioners occupied the possession over the land in question pursuant to the registered sale deeds at least the respondent should give proper notice and opportunity of hearing to each of them particularly when their names are recorded in the revenue records which has not been denied. No doubt, these petitioners had not made an attempt to be arrayed as party in the proceeding before the Collector but this fact has also not been disputed by the respondents that they got possession over the land in question pursuant to the registered sale deeds and as on date they are still in possession and their names are still recorded in the revenue records therefore in such an eventuality when their names are recorded in the revenue records and they purchased the property in question by virtue of registered sale deeds then the respondents were under legal obligation to arrayed each of them as party/respondents and at least before cancelling the *patta* proper opportunity of hearing should have been given to each of them.

10. Now, the admitted position is that the order impugned has been passed without giving any notice and opportunity to the petitioners since they were not arrayed as party respondents before the Collector in a proceeding under Government Grants Act and are seriously prejudiced, therefore, all these petitions deserves to be allowed and the matter is again remitted back to the Collector, Udham Singh Nagar to decide afresh after giving due opportunity of hearing.

11. Accordingly, all the writ petitions are allowed and

the impugned order dated 23.09.2021 passed by respondent no. 2-Collector/District Magistrate U.S. Nagar is hereby quashed and the matter is remitted back to the Collector/District Magistrate, Udham Singh Nagar to decide the matter afresh after giving proper opportunity of hearing to each of the petitioner. Since, petitioners are not the party/respondent in the proceeding, consequently, they are directed to move proper application for their impleadment and after disposal of the application for their impleadment, the Collector/District Magistrate give them time to file objection and expedite the matter as early as possible preferably within three months from the date of production of certified copy of this order.

12. Till such time the matter is decided by the Collector/ District Magistrate, Udham Singh Nagar the petitioners will not create any third party interest over the property in question and will maintain status quo.

13. No order as to costs.

(Rakesh Thapliyal, J.)

Parul